

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Application No.: 09/981,147	§		
Filed: October 15, 2001	§	Examiner:	Haq, Naeem U.
Inventors:	§	Group/Art Unit:	3625
Sridatta Viswanath	§	Atty. Dkt. No:	5681-90900/P6514
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Title: Dynamic Criteria Based Line-	§		
Grouping Mechanism and	§		
Method for Purchase Order	§		
Generation	§		
	§		
	§		

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pre-appeal review is respectfully requested. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated below. Claims 1-27 are pending in the application.

The Examiner rejected claims 1, 2, 5, 7, 10-12, 15, 17, 20, 21, 23, 24 and 27 under 35 U.S.C. § 102(b) as being anticipated by Shoquist et al. (U.S. Patent 5,361,199) (hereinafter "Shoquist"). Applicant notes the following clear errors in the rejection.

Claim 1 recites, in part, a method for automatically generating purchase orders in a computer implemented procurement system, comprising: accessing a user modifiable configuration file comprising a selected list of criteria on which line items are to be sorted into purchase orders, traversing a list of line items associated with a requisition, each line item comprising an item description and criteria data, and automatically grouping said line items of said list into purchase orders wherein all items of a given purchase order have

matching criteria data with respect to any criteria of said modified list of criteria. Shoquist teaches a computerized procurement system, which links multiple computer environments and which includes a buyer workstation that displays various procurement documents and accesses system-wide data. The Examiner cites FIGs. 4 and 5, and column 5, lines 56-62, referring to Shoquist's "RP Worklist Sort Options" window. However, this portion of Shoquist simply describes sorting of line items within a request for purchase work list. The sorting feature of Shoquist does not sort line items from the request for purchase work list into multiple purchase orders. Moreover, the "RP Worklist Sort Options" window of Shoquist has absolutely nothing to do with automatically grouping line items associated with a requisition into multiple purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria, as recited in claim 1. The "RP Worklist Sort Options" window of Shoquist provides nothing more than a simple sorting of line items within a request for purchase work list.

Shoquist's work lists are not lists of line items to be sorted into purchase orders. In other words, Shoquist's RP Worklist Sort Options window may sort *items in a particular list*, but does not disclose user-modifiable criteria on which line items associated with a requisition are sorted into multiple purchase orders. Also, Shoquist does not describe automatic grouping of the line items into multiple purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria.

The Examiner also cites FIG. 13 and column 7, lines 19-23 of Shoquist. However, the cited figure and passage do not describe anything regarding automatically grouping line items associated with a requisition into multiple purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria. Instead, Shoquist teaches, at the cited passage, that FIG. 13 illustrates a P.O. work list specification window that "permits the buyer to create a PO work list that includes only PO's that meet selected criteria" (italics added). Thus, Shoquist's system involves using selected criteria to *create a list of existing purchase*

*orders, not to automatically group line items associated with a requisition **into** purchase orders. The cited passage clearly does not disclose anything regarding automatically grouping line items into purchase orders and nowhere does Shoquist describe automatically grouping line items into purchase orders where all items of a given purchase order have matching criteria data with respect to a modified list of criteria.*

In the Response to Arguments section of the Final Action, the Examiner cites FIG. 12B of Shoquist and argues, “Figure 12B shows that a requisition can be turned into a purchase order by clicking the option ‘Make PO’.” Thus, the Examiner is apparently arguing that merely by including the ability to generate a purchase order, Shoquist somehow discloses the specific limitation of **automatically grouping the line items associated with a requisition into multiple purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria**, as recited in claim 1. Shoquist only teaches that the action menus of FIGs. 12A and 12B allow the buyer to “act” on a document. In Shoquist, using the action menu illustrated in Fig. 12B to make a purchase order does not involve any automatic grouping of line items associated with a requisition into multiple purchase orders wherein all items of a given purchase order have matching criteria data with respect to any criteria of a modified list of criteria, as recited in Applicants’ claim.

Moreover, the Examiner has completely overlooked the fact that Applicant’s claim recites that **all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria**. The Examiner does not provide any argument or interpretation of Shoquist that explains how the “Make PO” menu item in FIG. 12B, or any other portion of Shoquist, can disclose the specific limitation in Applicants’ claim that all items of a given purchase order have matching criteria data with respect to any criteria of the modified list of criteria. Selecting a menu item that turns a complete request for purchase document into a purchase order clearly does not disclose anything regarding whether or not all items of a particular purchase order have matching criteria with respect to any criteria of a modified list of criteria for sorting line items into purchase requests.

For at least the reasons discussed above, Shoquist clearly cannot be said to anticipate claim 1.

The Examiner rejected claims 9, 19 and 26 as being unpatentable over Shoquist in view of Official Notice. Applicants have repeatedly traversed the Examiner's Official Notice pursuant to M.P.E.P. § 2144.03 which requires that "the examiner **must** provide documentary evidence ... if the rejection is to be maintained. See also *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). However, the Examiner has failed to provide any documentary evidence whatsoever. **Therefore, according to M.P.E.P. § 2144.03, this rejection cannot be maintained.**

The Examiner also rejected claims 1-27 under 35 U.S.C. § 112, second paragraph, as being indefinite. Regarding claims 1, 4, 11 and 21, the Examiner asserts that these claims "recite the limitation 'line group data structure'" and that it "is unclear to the Examiner what this limitation means or how it differs from any other data structure." Applicants assert the language of claim 1 is such that a person of ordinary skill in the art could easily interpret the metes and bounds. As is apparent from the plain language of claim 1, the term "line group" is a label to differentiate the line group data structure from other data structures recited in the claims. The term "data structure" is a well understood term of art that is easily interpreted by one of ordinary skill in the art. As several different data structures are recited in the claims, use of the label "line group" simply furthers the clarity of the claims. Therefore, these claims are not indefinite.

The Examiner asserts that claims 2 and 12 "recite the limitation 'order header data structure'" and that is "is unclear to the Examiner what this limitation means or how it differs from any other data structure." However, the term "order header", like the term "line group" discussed above, is a label to differentiate the order header data structure

from other data structures recited in the claims. Therefore, these claims are not indefinite.

Regarding claims 4, 14 and 22, the Examiner asserts that these claims “recite the limitation ‘host purchase order’ and that it “is unclear to the Examiner what this limitation means or how it differs from a purchase order.” As with the terms “line group” and “order header”, discussed above, the term “host” is simply a label used to refer to a particular purchase order item. Applicants further submit that the term “purchase order item” is well understood in the art. Therefore, these claims are not indefinite.

The use of such labels to refer to particular elements in claims is an extremely common practice in claim drafting to maintain clarity. To remove such labels would only serve to reduce the clarity of the claims. Thus, for at least the reasons above, Applicants respectfully request withdrawal of the §112, second paragraph, rejection of claims 1-27.

In light of the foregoing remarks, Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5681-90900/RCK.

Also enclosed herewith is a Notice of Appeal.

Respectfully submitted,

/Robert C. Kowert/

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